

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, Jan. 13, 1899.

Hon. Geo. T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 6, An act to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem and officers' and employes' per diem of the Twenty-sixth Legislature."

Also Senate bill No. 7, An act to be entitled "An Act to make appropriation to defray the expenses of the Twenty-sixth Legislature."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Lloyd:

Senate bill No. 19, A bill to be entitled "An Act to amend Article 5049, Chapter 1, Title CIV of the Revised Statutes, relating to general occupation taxes."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Turney:

Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hanger:

Senate bill No. 21, A bill to be entitled "An Act to prohibit attorneys-at-law from becoming sureties on bail bonds and recognizances, and providing a penalty for the violation of the provisions of this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Gough:

Be it Resolved, That Joe Mathews be and he is hereby appointed by the Senate as page, and he shall receive the same compensation as the other pages.

By Senator Potter:

Amend the resolution by adding the name "Orman Evans of Grayson county," after the name "Matthews."

Lost.

The resolution was then,
Adopted.

By Senator Terrell:

Resolved, That the Sergeant-at-Arms be instructed to keep an itemized account with each Senator for postage and stationery; also an itemized account of all other contingent expenses of the Senate, and furnish a copy of the same to the Journal Clerk on the adjournment of the Legislature, and that the same be published in and become a part of the Journal of the Senate.

Senator Goss moved to lay the resolution on the table subject to call.

Carried.

BILLS SIGNED.

The Chair gave notice of signing, and did sign, after their captions had been read:

Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature," and

Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

On motion of Senator Kerr, the Senate adjourned to Monday next 10 a. m.

FIFTH DAY.

Senate Chamber,

Austin, Tex., Monday, Jan. 16, 1899.

Senate met pursuant to adjournment.

Lientenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Terrell.
James.	Turney.
Johnson.	Wayland.
Kerr.	Yantis.
Linn.	Yett.

Absent.

Hanger.	Stafford.
Lewis.	Stone.
Neal.	

Absent—Excused.

McGee.	Patterson.
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Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

EXCUSED.

On motion of Senator Sebastian, Senator Hanger was excused for today on account of important business.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, Jan. 14, 1899.

Hon. Geo. T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following Senate Concurrent Resolution No. 1.

Resolved by the Senate, the House concurring, that a committee of three be appointed by the Lieutenant-Governor to act on the part of the Senate with a like committee on the part of the House to arrange for counting the votes for Governor and Lieutenant-Governor and for the inauguration of said officers,

And that the Speaker has appointed, on the part of the House, Messrs. Bailey, Schluter and Staples.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

To carry out the above, the Chair appointed, on the part of the Senate, Senators Miller, Grinnan and Terrell.

PETITIONS AND MEMORIALS.

By Senator Atlee:

Memorial from tax-payers, officers and citizens of Duval county to deprive the County Court of its civil and criminal jurisdictions.

Read and referred to Committee on Judicial Districts.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, January 14, 1899.

Hon. Geo. T. Jester, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, being "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature."

And find the same correctly enrolled, and have this day at 10:12 a. m., pre-

sented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,

Austin, Texas, January 14, 1899.

Hon. Geo. T. Jester, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 7, being "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature,"

And find the same correctly enrolled, and have this day, at 10:12 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Austin, Texas,

January 16, 1899.

Hon. Geo. T. Jester, President of the Senate, and Hon. J. S. Sherrill, Speaker of the House of Representatives.

Your Joint Committee appointed to make arrangements to count the vote and to arrange to inaugurate the Governor and Lieutenant-Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Monday the 16th inst., at 10:30 o'clock a. m., for the purpose of counting said vote, and that the House and Senate meet in joint session in the Hall of the House of Representatives on Tuesday, the 17th inst., at 12 o'clock, noon, when the joint committee will escort the Governor and Lieutenant-Governor-elect to the Speaker's stand, when the oath of office will be administered by the Chief Justice of the Supreme Court.

Respectfully submitted,

On the part of the Senate,

MILLER, Chairman.

GRINNAN,

TERRELL.

On the part of the House,

BAILEY, Chairman.

SCHLUTER,

STAPLES.

The above report was read, and on motion of Senator Gough,
Adopted.

BILLS AND RESOLUTIONS.

By Senator Wayland:

Senate bill No. 22, A bill to be entitled "An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fifth Legislature."

Read first time, and referred to Committee on Finance.

By Senator Greer:

Senate bill No. 23, A bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with firearms and dogs upon enclosed marsh lands of another, and prescribing penalties therefor, and to define marsh lands."

Read first time, and referred to Committee on Stock and Stock-raising.

By Senator Linn:

Senate bill No. 24, A bill to be entitled "An Act to amend an act entitled 'An Act to amend Article 867, Chapter 1, Title XXV of the Revised Civil Statutes of the State of Texas, relating to county finances,' passed by the Twenty-fifth Legislature of the State of Texas, and approved March 20, 1897."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Atlee:

Senate bill No. 25, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Duval county; to conform the jurisdiction of the District Court of said county thereto; and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Johnson (by request):

Senate bill No. 26, A bill to be entitled "An Act to amend Article 2956, of the Revised Civil Statutes of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Yantis:

Senate bill No. 27, A bill to be entitled "An Act to define 'Legal' and 'Conventional' interest, to create the distinction between same, and regulate the rate of interest thereof on contracts and judgments; to provide pains and penalties; to prevent usury; and to repeal all laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell:

Senate bill No. 28, A bill to be entitled "An Act to provide for the transfer of causes of action instituted in the wrong county or precinct to the proper county or precinct when a plea to the jurisdiction is sustained, and providing that limitation cease to run from the date of the original filing."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Grinnan:

Senate bill No. 29, A bill to be entitled "An Act to provide for jointly suing common carriers."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Dibrell:

Senate bill No. 30, A bill to be entitled "An Act to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and to prevent abuses in exercising such liberty of the press."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Linn:

Senate bill No. 31, A bill to be entitled "An Act to provide a final method of publishing notices and reports required by law to be published by commissioners courts of the various counties of the State, to be effective in all cases where said courts are unable to secure publications thereof in the manner and for the price now provided by law therefor."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Kerr:

Senate bill No. 32, A bill to be entitled "An Act to amend Article 128, Title IX, Chapter 1 of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics."

Read first time, and referred to Committee on Asylums.

By Senator Potter:

Senate Concurrent Resolution No. 2, Requesting the Texas delegation in Congress to have speedily passed all necessary laws authorizing appeals and writs of error from interlocutory orders in Federal Courts granting or refusing injunctions; and also to give litigation relating to the powers or actions of railway commissions precedence over other litigation pending before said courts.

Read, and on motion of Senator Burns, referred to Judiciary Committee No. 1.

By Senator Goss:

Senate Concurrent Resolution No. 3: Whereas, The Daughters of the Republic of Texas have signified their desire to present a gavel to the President of the Senate and one to the Speaker of the House of Representatives on Wednesday, January 18, at high noon; and

Whereas, It is deemed more convenient that these presentations be made in Joint Session of the two houses; therefore be it

Resolved by the Senate, the House of Representatives concurring, that said bodies meet in Joint Session in the Representative Hall at high noon on Wednesday, January 18, for the purpose herein indicated.

By Senator Grinnan:

Senate Concurrent Resolution No. 4,

Petitioning Congress to call a convention for proposing amendments to the Constitution of the United States.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Morriss:

Resolved, That the Hon. W. T. Armistead, a former distinguished member of this body, be invited within the bar of the Senate.

Adopted.

Call concluded.

EXECUTIVE MESSAGE.

The following message was received from the Governor, and ordered printed in the Journal, to wit:

MESSAGE FROM THE GOVERNOR:

EXECUTIVE OFFICE,

Austin, January 14th, 1899.

To the Senate and House of Representatives.

The State Text-book Board has just submitted to me a report required by Section 15, Chapter 164, acts of the Regular Session of the Twenty-fifth Legislature, a copy of which is transmitted for your information.

C. A. CULBERSON.

Austin, Texas, Jan. 10, 1899.

To His Excellency, C. A. Culberson, Governor.

DEAR SIR: We, the State Text-Book Board, in compliance with Section 15, Chapter 164, Acts of the Regular Session of the Twenty-fifth Legislature, the same being the uniform text-book law, submit to you the following report in reference to the "State publication of common school text-books."

The State Superintendent, acting for this Board, sent the following questions to all the State superintendents of the United States:

"1. Has your State a uniform series of text-books?

"2. Has your State had any experience in State publication of text-books? If so, please state whether favorable or unfavorable.

"3. Do you think State publication advisable?

"Please send any printed matter you may have concerning State publication."

Replies to these questions were received from the superintendents of a large number of States. To the first, second and third questions, the answers were no, except as follows:

The Superintendent of Public Instruction of Florida answered "No" to the first and second questions, and to the

third replied: "Yes, if the proper men are at the helm."

The Superintendent of Public Instruction of Vermont, replied "No" to the first and second questions, and to the third question he replied: "Under certain conditions."

The Superintendent of Public Instruction of California replied as follows: To the first question, "Yes;" to the second question, "Yes." "The cost of publication and printing is excessive and the character of the product—the substance—is mediocre." To the third question he replied, "No." He also sent a copy of the seventeenth biennial report of the State which contains much information in reference to the experiment of State publication. The experiment was begun in that State in 1885. The State appropriated for this purpose from 1885 to 1895, \$478,505.47; of the funds received for sale of books there has been used in paying the expenses of publishing text-books, \$594,749.36; making a total expended in publishing text-books of \$1,073,254.83.

The receipts from the sale of books, with the value of unsold books and material on hand, amount to \$767,931.31. This is \$305,323.32 less than the total outlay. The State has a printing plant valued by the State Printer at \$189,380.47, which subtracted from the \$305,323.32 leaves a net loss of \$115,942.87. Even with this loss the State is selling its books at higher prices than are being paid for similar books bought in the open market. To show the difference in the prices paid for books in California and in Texas, the one with State publication and the other with a uniform State text-book law, the following comparison of prices is given:

The three readers of the California old series, which had to be revised after having been in use from 1886 to 1894, only eight years, sell for \$1.27, while the first three books of the Texas series sell for 72 cents at retail and 45 cents at exchange prices, and the five books of the Texas series sell for only \$1.52 at retail and 87 cents at exchange prices. The four revised readers of the California series sell for \$1.64 against \$1.07 retail and 62 cents exchange for the first four books of the Texas series, and \$1.52 retail and 87 cents exchange for the five books of our series. In these estimates, the number of pages in the books is not taken into consideration, as the number of pages in each of the California books is unknown to the Board.

The two arithmetics of the California series sell for 75 cents while the two books of the Texas series sell for 64

cents regular and 32 cents exchange in board, and 80 cents regular and 40 cents exchange in cloth.

The two books in language and English grammar of the California series sell for 80 cents, while the three books in the Texas series sell, at regular prices, for \$1.05 and, at exchange prices, 54 cents.

The two geographies of the California series sell for \$1.80, while the two books for the Texas series sell at retail for \$1.23 and at exchange for 63 cents.

The one speller of the California series sells for 31 cents, while the two spellers of the Texas series sell, at retail, for 30 cents, and at exchange for 16 cents, and, when bound together, for 20 cents retail and 10 cents exchange.

The United States History of the California series sells for 82 cents, while the one in the Texas series sells at retail for 80 cents, and at exchange for 40 cents.

The one physiology in the California series sells for 58 cents, while the two physiologies of the Texas series sell for \$1.20 retail price, and 72 cents exchange price.

The thirteen books in the California series sell for \$6.70, while the seventeen books, on the same subjects, in the Texas series sell for \$6.20 at regular retail prices, and for \$3.31 at exchange prices.

It is generally admitted that the books of the California series are inferior to the books that could have been purchased in the open market. When the State pays for compiling, printing and binding of a book it has no choice. The book must be used without regard to whether it is a good, fair or bad book. The California books have not come up to the standard of excellence reached by the publishers of text-books.

A prominent California teacher says: "It goes without saying that I am not satisfied with the books of the State series. Indeed, I have never yet met a teacher of experience and good judgment—no matter how friendly he was to the plan of State publication—who would say that the books were free from serious fault. I believe that there is not a single book in the series that is even nearly as good as could be bought in open market at the same, if not less cost. All of the series need revision, or better, need throwing out entirely and others substituted." These statements are followed by quite a lengthy criticism of the books in question. In our judgment, the books adopted for use in the public schools of Texas are superior in every respect to those used in California. Having so recently adopted a series of books for use in the public schools of this State, hav-

ing obtained such favorable terms from the publishers, we deem it unwise to recommend any change for the present. To purchase a plant, to secure and publish text-books by the State, would require large appropriations which, in our judgment, are not now demanded. We believe it better, in every way, to continue the present system until the experiment of State uniformity is thoroughly tested. From the information accessible, we are of the opinion that we have better and cheaper books than could likely be obtained through State publication.

[Signed] J. W. MADDEN,

Secretary of State and Chairman Pro Tem.

J. M. CARLISLE,

State Superintendent Public Instruction and Secretary.

R. W. FINLEY,
Comptroller.

H. C. PRITCHETT,

Principal Sam Houston Normal School.

I know nothing of the facts stated above; my other duties have rendered it impossible for me to thoroughly investigate the subject, but I concur in the recommendation made that State publication be not attempted at this time.

M. M. CRANE,
Attorney-General.

The Chair announced that the hour had arrived for the Senate and House to meet in joint session to count the vote and prepare for the inauguration of the Governor and Lieutenant-Governor, and accordingly the Senate repaired in order to the hall of the House of Representatives.

IN JOINT SESSION.

At 10:30 o'clock a. m. the Honorable Senate of Texas was announced at the bar of the House.

Escorted by Sergeant-at-Arms C. H. Allen of the Senate, Secretary J. P. Pool, and Rev. W. C. Denson, Chaplain, the Honorable Senate advanced into the Hall and occupied the seats along the aisle already prepared for them.

President of the Senate Hon. George T. Jester was invited to a seat on the rostrum at the right of the Speaker.

Speaker Sherrill then called the joint session to order, and announced that the hour set apart by concurrent resolution providing for counting the vote cast for Governor and Lieutenant-Governor at the last general election, held November 8, 1898, had arrived, and that the two houses were in joint session for that purpose.

The President of the Senate then directed the Secretary to call the roll of

the Senate, and the following Senators answered to their names:

Senators Atlee, Burns, Davidson, Dibrell, Goss, Gough, Greer, Grinnan, James, Johnson, Kerr, Linn, Lloyd, Miller, Morris, Odell, Potter, Ross, Sebastian, Terrell, Turney, Wayland, Yantis, Yett.

The President announced a quorum present.

The Speaker directed the Clerk to call the roll of the House, and the following members answered to their names:

Messrs. Allen of Colorado, Allen of Hopkins, Bailey, Barbee, Barrett, Bean, Bennett, Blount, Bridgers, Caldwell, Calvin, Chambers, Childers, Childs, Clements, Cocke, Cole, Collins, Cross, Culp, Dean, Decker, Derden, Dies, Dorroh, Eckols, Ellis, Evans of Fannin, Frost, Garrett, Gill, Goodlett, Goodman, Gordon, Graham, Greenwood, Grogan, Hamilton, Henderson of Brazos, Henderson of Lamar, Howard, Hurley, Jones, Kennedy, Kittrell, Lake, Lane, Lillard, Little, Livsey, Loyd, Looney, Marsh, Maxwell, McAnally, McClellan, McDowell, McKamy, McKellar, Mercer, Monroe, Morris, Morrow, Murphy, Murray, Neff, Nolan, Oliver, Palmer, Parish, Peery, Phillips of Lampasas, Phillips of Camp, Pitts, Poole, Powell, Prince, Ratcliff, Robertson of Harrison, Robertson of Bell, Rochelle, Russell, Sansom, Savage, Schluter, Scurry, Shelburne, Shropshire, Smith of Grayson, Smith of Collin, Staples, Stripling, Tarkington, Tarver, Tate, Teagle, Terrell, Thomas of Wise, Thomas of Fannin, Tompkins, Tucker, Vaughan, Walton, Wells, Wheless, Wil-lacy, Willrodt, Wright.

The Speaker announced a quorum present.

The President announced the following Senators tellers on the part of the Senate:

Senators James, Greer and Odell.

The Speaker appointed the following tellers on the part of the House:

Messrs. Greenwood, Smith of Grayson and Frost.

The Speaker then requested the tellers to come forward, and he delivered to them the returns of the general election held in this State, Tuesday, November 8, 1898, for Governor and Lieutenant-Governor, and which returns were by the Secretary of State duly delivered to him as Speaker of the House of Representatives of the Twenty-sixth Legislature.

The tellers then proceeded to count the vote.

(Pending the count, Senator Morriss and Mr. Kittrell, a member of the House, were called to the chair.)

Pending the count, Mr. Peery, on part of the House, moved that the joint ses-

sion take a recess until 3 o'clock p. m. today.

Speaker Sherrill announced that the motion prevailed on the part of the House.

Senator James, on part of the Senate, then moved that the joint session take a recess until 3 o'clock p. m. today.

Senator Morris, then occupying the chair on the part of the Senate, announced that the motion prevailed on the part of the Senate.

The Speaker then declared the joint session closed for recess until 3 o'clock p. m. today, and the Senate retired to its chamber.

IN SENATE.

On motion of Senator James the Senate adjourned to 2:50 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Lewis.	Stone.
Stafford.	

Absent—Excused.

Hanger.	Patterson.
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RESOLUTIONS.

By Senator Kerr:

Whereas, Ernest Kerr was heretofore appointed page by the Lieutenant-Governor and while duly appreciating the honor conferred upon him, is, on account of sickness and other causes, unable to accept said position and has made request to be relieved; and

Whereas, Hal Bishop of Fayette county has been acting and serving the Senate in the place of said Ernest Kerr since the organization of the Senate; and

Whereas, Said Hal Bishop is a deserving boy; therefore be it

Resolved, That the Lieutenant-Gov-

ernor be requested to appoint said Hal Bishop in the place of Ernest Kerr as page of the Senate.

Adopted.

By Senator Sebastian:

Resolved, That Mr. Hardy W. B. Price of Alabama, a veteran of San Jacinto and the war for the independence of Texas, be invited to a seat within the bar of the Senate.

Adopted.

At three o'clock sharp the Chair announced that the time to repair to the Hall of Representatives, as provided by resolution adopted this morning (to finish counting the vote) had arrived, and accordingly the Senate formally proceeded thereto.

IN JOINT SESSION.

The Honorable Senators were seated as in the forenoon, accompanied by Sergeant-at-Arms C. H. Allen of the Senate, and Dawson A. Walker, Assistant Secretary of the Senate, while the President, Hon. Geo. T. Jester, resumed his seat at the right of the Speaker.

Speaker Sherrill announced that the two houses were again in joint session for the purpose of completing the count of the vote for Governor and Lieutenant-Governor.

The President of the Senate directed the Secretary to call the roll of Senators, and the following Senators answered to their names:

Senators Atlee, Burns, Davidson, Dibrrell, Goss, Gough, Greer, Grinnan, James, Johnson, Kerr, Lewis, Linn, Lloyd, McGee, Miller, Morriss, Odell, Potter, Ross, Sebastian, Terrell, Turney, Wayland, Yantis, Yett.

The President announced a quorum present.

The Speaker directed the Clerk to call the roll of the House, and the following members answered to their names:

Messrs. Allen of Colorado, Allen of Hopkins, Bailey, Barbee, Barrett, Bean, Bennett, Blount, Caldwell, Calvin, Chambers, Childers, Childs, Clements, Cocke, Cole, Collins, Conoly, Cross, Culp, Dean, Derden, Dies, Dorroh, Eckols, Ellis, Evans of Fannin, Frost, Garrett, Gill, Goodlett, Goodman, Gordon, Graham, Greenwood, Grogan, Hamilton, Henderson of Brazos, Henderson of Lamar, Howard, Hurley, Jones, Kennedy, Kirtrell, Lake, Livsey, Loyd, Looney, Marsh, Maxwell, McAnally, McClellan, McDowell, McFarland, McKamy, McKellar, Mercer, Monroe, Morris, Morrow, Murphy, Murray, Neff, Nolan, Oliver, Palmer, Peery, Phillips of Lampasas, Phillips of Camp, Pitts, Poole, Powell, Prince, Ratcliff, Robertson of Harrison, Robertson of Bell, Sansom, Savage, Schluter, Scurry, Smith of Grayson, Smith of Collin, Staples, Stripling, Tarkington, Tarter, Tate, Teagle, Terrell, Thomas of Wise, Thomas of Fannin, Tompkins, Tucker, Vaughan, Walton, Wells, Wheelless, Willacy, Willrodt.

The Speaker announced a quorum present.

The count of the vote was resumed, same tellers acting as in the forenoon.

(Pending the count, Senator Johnson, on part of the Senate, and Mr. McKellar, on part of the House, were called to the chair.)

When the count was concluded the tellers announced the following result:

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1898.

For Governor and Lieutenant-Governor.

Counties.	For Governor.					For Lieutenant-Governor.				
	Joseph D. Sayers.	Barnett Gibbs.	B. P. Bailey.	G. H. Royal.	Scattering.	J. N. Browning.	E. W. Kirkpatrick.	D. H. Hancock.	Edward Bellinger.	Scattering.
Anderson	2765	893	68			2755	896	72		
Angelina	1406	526	16			1417	497	17		
Aransas	285	56				271	63			
Archer	492	68	1			494	65	1		
Armstrong	163	57	2			165	55	2		
Atascosa	748	193	2			756	187	1		
Austin	2951	791	1	6	2	3023	681	1	5	
Bandera	551	340				556	341			
Bastrop	2212	2032	29		3	2230	1206	29		
Baylor	264	13	1		1	268	6	1		
Bee	999	257	1		1	1000	262	2		
Bell	4104	1549	17	6	5	4197	1435	17	8	
Bexar	7736	1082	87	273	1	7836	938	104	290	1
Blanco	515	358	5			519	350	5		
Borden	99	37				101	37			
Bosque	1671	989	17			1707	937	16		
Bowie	2714	1111				2759	1069			
Brazoria	2636	324	4		3	2296	271	2		51
Brazos	2936	324	1			2961	311			1
Brewster	420	4			2	423				
Briscoe	137	70				153	61			
Brown	1436	772	12			1384	714	12		
Burleson	2336	466	11			1568	320	8		
Burnet	1103	701	4			1117	667	3		
Caldwell	2162	1109	30			2161	1073	16		
Calhoun	344	120				343	118			
Callahan	821	489				840	439			
Cameron	3077					3077				
Camp	800	437				814	423			
Carson	110	1				110				
Cass	1967	1212	11			2021	1177	9		
Castro	87					87				
Chambers	338	104				335	103			
Cherokee	2142	1765				2137	1753			
Childress	343	64				350	57			
Clay	1162	332	78			1199	268	87		
Coke	302	208	4			306	200			
Coleman	925	385	1			930	368	1		
Collin	3614	1458	57			3613	1449	62		
Collingsworth	173	64				176	59			
Colorado	3783	353				3765	412			
Comal	1343	8				1343	5			
Comanche	1677	2109	22			1751	1952	20		
Concho	158	41				156	39			
Cooke	2082	440	24		1	2078	409	46		
Coryell	2094	1276	14			2108	1245	6		
Cottle	114	33				111	33			
Crockett	402	1				404				
Crosby										
Dallam	35					35				
Dallas	6791	2531	215	37		7176	1819	242	34	
Deaf Smith	104	3				107				
Delta	1222	1475	5			1259	1446	4		
Denton	1983	230	11			2023	171	11		
DeWitt	2191	1065	7			1615	1098	7		
Dickens	146	41			1	141	39			4
Dimmit	162	63				162	56			
Donley	322	103	5			328	100	3		
Duval	997					1039				
Eastland	1499	1183	47			1517	1154	43		
Ector	111	9				114	2			
Edwards	384	134				386	134			
Ellis	3731	1602	32	1	1	3804	1520	29		
El Paso	2272	23				2273	15			
Erath	2407	2010	96			2382	1848	136		
Falls	3482	1780				3204	1829			

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1898.

For Governor and Lieutenant-Governor - continued.

Counties.	For Governor.					For Lieutenant-Governor.				
	Joseph D. Sawyer.	Barnett Gibbs.	B. P. Bailey.	G. H. Royal.	Scattering.	J. N. Browning.	E. W. Kirkpatrick.	D. H. Hancock.	Edward Bellinger.	Scattering.
Fannin.....	3526	1812	12			3872	1756	12		
Fayette.....	4751	1252		9		4620	1253		9	
Fisher.....	1253	282				1220	249			
Floyd.....	125	125				191	125			
Forard.....	125	125				191	125			
Fort Bend.....	125	125	3			125	125			
Franklin.....	125	125	2			125	125			
Freestone.....	1629	135	10			1438	731	2		
Frio.....	520	154	2			525	149	1		
Galveston.....	3879	682	179	100		3758	579	190	112	
Gillespie.....	1062	385				1056	283			
Glasscock.....	46	17				50	12			
Goliad.....	812	457				752	286			
Gonzales.....	2313	1222	11			2319	286	9		
Grayson.....	3650	571	64	12		3908	478	62	11	
Gregg.....	246	381				776	306	3		5
Grimes.....	1224	2571	1			1225	1381	1		
Guadalupe.....	2500	712				2548	667			
Hale.....	210	74				217	67			
Hall.....	264	58	17			267	56	15		
Hamilton.....	1144	1091	37			1184	1055	8		
Hansford.....	21	3				29				
Hardeman.....	535	93	3			542	85	2		
Hardin.....	702	42	5		1	690	38	5		
Harris.....	675	610	180	72		6276	583	155	78	1
Harrison.....	3203	61				3701	59	2		
Hartley.....	111	12				114	9			
Haskell.....	342	95				343	94			
Hays.....	1508	436	13			1557	378	11		
Hemphill.....	152	2				156	12			
Henderson.....	1764	801				1626	865			
Hidalgo.....	1247					1247				
Hill.....	3680	2014	58			3681	1995	57		
Hood.....	908	620	5			940	620	5		
Hopkins.....	2374	1751	44			2443	1677	44		
Houston.....	1935	491	1			1952	464	1		
Howard.....	295	134				304	125			
Hunt.....	3903	1380	17			3338	1331	17		
Irion.....	102	14				149				2
Jack.....	871	73	21			877	705	21		
Jackson.....	574	441				562	443			
Jasper.....	684	405	2			685	403	2		
Jeff Davis.....	246					247				
Jefferson.....										
Johnson.....	3570	2443	21			3423	1918	17		
Jones.....	512	419				534	446			
Karnes.....	2625	476	2		18	250	382			288
Kaufman.....	282	776	13			2911	724	13		
Kendall.....	282	123				462	231			
Kent.....	28	49	1			36	48	1		
Kerr.....	743	165	9			758	62	9		
Kimble.....	125	125	2			125	165	1		
Klog.....	125	1				125	1			
Kluney.....	255	5				257				
Knox.....	255	6			1	257				
Lamar.....	255	1356	6			257	1356			
Lampasas.....	255	52	14	6	1	255	507	12	5	
LaSalle.....	255	21				255	1			
Lavaca.....	125	1403				125	1344			
Lee.....	125	1177				125	1177			
Leon.....	1349	1081				1362	1172	6		
Liberty.....	125	351	4			125	1073			
Limestone.....	125	164	30			125	348	4		
Lipscomb.....	125	6				125	1578	21		
Live Oak.....	255	104				255	87			
Llano.....	255	430	17			255	419	34		

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1898.

For Governor and Lieutenant-Governor—continued.

Counties.	For Governor.					For Lieutenant-Governor.				
	Joseph D. Sayers.	Barnett Gibbs.	B. P. Bailey.	G. H. Royal.	Scattering.	J. N. Browning.	E. W. Kirkpatrick.	D. H. Hancock.	Edward Bellinger.	Scattering.
Lubbock.....	122	1	1			123	1	1		
Madison.....	748	690	3			771	659	3		
Marion.....	429	454				433	444	2		
Martin.....	113	6				114	5			
Mason.....	624	397	1		1	627	388			3
Matagorda.....	627	67				626	64			
Maverick.....	706					702				
McCulloch.....	477	207	1	3		466	208		3	1
McLennan.....	3657	1116	65	13		3713	1028	47	11	
McMullen.....	195	9				196	1			1
Medina.....	1085	248				1085	243			
Menard.....	381	73	1			389	68			
Midland.....	307	37	10			313	28	10		
Milam.....	3911	1835				4009	1667			
Mills.....	685	555	4	3		730	512	2	2	
Mitchell.....	473	92	4			478	88	4		
Montague.....	2254	689	14		1	2258	661	12		
Montgomery.....	1288	500	6			1275	501	6		
Moore.....	18	11				20	5			
Morris.....	897	461				908	449			
Motley.....	183	12				196	2			
Nacogdoches.....	1976	1808				1984	1788			
Navarro.....	3932	2323	43			4006	2284	49		
Newton.....	919	115	7			912	113	7		
Nolan.....	358	158				361	158			
Nueces.....	1866	110				1864	113			
Ochiltree.....	40	1				41				
Oldham.....	92					96				
Orange.....	770	314	14			765	314	15		
Palo Pinto.....	1057	781	44			1055	736	68		
Panola.....	1376	226				1388	214			
Parker.....	2342	1631	13			2360	1542	12		
Pecos.....	266					267				
Polk.....	1283	903	8		4	1281	907	8		
Potter.....	264	56		1		275	48		1	
Presidio.....	824	2	2			112		2		
Rains.....	520	519				539	497			
Randall.....	118	37				119	37			
Red River.....	3179	2638	17			2503	1605	13		
Reeves.....	483	13			1	485	12			
Refugio.....	309	32				287	54			
Roberts.....	169	33				170	30			6
Robertson.....	2784	272	3		1	2795	260			
Rockwall.....	718	240	16			737	226	15		
Runnels.....	452	266	10	2		452	258	11		
Rusk.....	2278	812	2			2140	800	3		
Sabine.....	630	554	4			649	553	2		
San Augustine.....	566	756				569	749			
San Jacinto.....	1030	325			9	1042	314			
San Patricio.....	400	27	2			402	25	2		
San Saba.....	871	524	2			920	433	1		
Scurry.....	306	317	5			296	314	4		
Shackelford.....	225	100				231	97			
Shelby.....	1371	370	66			1375	370	63		
Sherman.....	25					27				
Smith.....	3157	1641	14			3200	1588	14		
Somervell.....	328	357				337	344			
Starr.....	1138	14				1152				
Stephens.....	566	475	3			571	454	2		
Sterling.....	97	111				100	107			
Stonewall.....										
Sutton.....	315	53				325	50			
Swisher.....	127	68				134	59			
Tarrant.....	3904	1101	30			4052	945	26		
Taylor.....	1140	705	3			1134	708	3		
Throckmorton.....	183	100	2			222	94	2		

RETURNS OF AN ELECTION HELD NOVEMBER 8, 1898.

For Governor and Lieutenant-Governor—continued.

Counties.	For Governor.					For Lieutenant-Governor.				
	Joseph D. Sayers.	Barnett Gibbs.	B. P. Bailey.	G. H. Royal.	Scattering.	J. N. Browning.	E. W. Kirkpatrick.	D. H. Hancock.	Edward Bellinger.	Scattering.
Titus.....	1081	665	40			1081	648	50		
Tom Green.....	656	59	2			665	13			
Travis.....	4661	1779	53	15	2	4674	1709	52	14	2
Trinity.....	910	566	1			912	566	1		
Tyler.....	971	218	3			973	215	3		
Upshur.....										
Uvalde.....	602	302			3	594	305		3	
Val Verde.....	674	15	1			688		1		
Van Zandt.....	2169	1886	9			2105	1860	9		
Victoria.....	2002	445	1		1	1982	433	1		1
Walker.....	1552	762				1534	614			
Waller.....	2417	361	1			2483	308			
Ward.....	161	73				162	72			
Washington.....	3519	249	9			3813	3	9		
Webb.....	1850	3				1852				
Wharton.....	1030	157	1			1017	157	1		
Wheeler.....	73	5				76	5			
Wichita.....	948	130	22			956	120	21		
Wilbarger.....	603	176	29			613	176	29		
Williamson.....	3541	1750	74		1	3566	1704	63	3	
Wilson.....	1686	1019				1694	1007	9	3	
Wise.....	2489	1279	9			2522	1266	9		
Wood.....	1681	949	3			1709	931	2		1
Young.....	743	215	4			757	203	4		
Zapata.....	676					676				
Zavalla.....	105	15				103	14			
Totals.....	291548	114955	2437	552	62	290792	107722	2439	592	302

To the Hon. Geo. T. Jester, President of the Senate, and the Hon. J. S. Sherrill, Speaker of the House.

We, your committees, appointed by the Senate and the House, to canvass the votes cast for Governor and Lieutenant-Governor of this State, at the last regular election held in this State, beg leave to report that the following is the result of our canvass:

There was cast for the office of Governor—

For Joseph D. Sayers, 291,548 votes.

For Barnett Gibbs, 114,955 votes.

For R. P. Bailey, 2437 votes.

For G. H. Royal, 552 votes.

Scattering, 62 votes.

Total votes cast for the office of Governor, 409,544 votes.

There was cast for the office of Lieutenant-Governor, votes as follows:

For J. N. Browning, 290,792 votes.

For E. W. Kirkpatrick, 107,722 votes.

For D. H. Hancock, 2439 votes.

For Edwin Bellinger, 592 votes.

Scattering, 302 votes.

Total votes cast for the office of Lieutenant-Governor, 401,847 votes.

Committee on the part of the Senate:

C. O. JAMES,

D. W. ODELL,

G. C. GREER.

Committee on the part of the House:

JAS. GREENWOOD,

CECIL SMITH,

J. R. FROST.

Whereupon, Hon. J. S. Sherrill, acting in his constitutional capacity as Speaker of the House of Representatives of the Twenty-sixth Legislature of Texas, announced as follows:

"Joseph D. Sayers having received the highest number of votes cast, I, by the authority vested in me by the Constitution and laws of the State of Texas, declare him legally and constitutionally elected Governor of Texas for the ensuing term of two years."

"James N. Browning having received the highest number of votes cast, I, by the authority vested in me by the Constitution and laws of the State of Texas, declare him legally and constitutionally elected Lieutenant-Governor of Texas for the ensuing term of two years."

The Speaker then announced that the business of the joint session was concluded, and on motion of Senator Odell the Senate retired to its chamber.

IN SENATE.

On motion of Senator Terrell, the Senate adjourned until tomorrow at 10 a. m.

4—Senate

SIXTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Jan. 17, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Goss.	Koss.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Gough. Linn.
Hanger.

Absent—Excused.

Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Miler, the same was dispensed with.

EXCUSED.

On motion of Senator Sebastian, Senator Hanger was excused indefinitely on account of sickness.

On motion of Senator Turney, Senator Linn was excused indefinitely on account of sickness.

On motion of Senator Atlee, Senator Neal was excused for non-attendance on yesterday on account of important business.

APPOINTMENTS.

Lieutenant-Governor Browning appointed Hal Bishop of Fayette county, page instead of Earnest Kerr of Fayette county, resigned.

PETITIONS AND MEMORIALS.

By Senator Turney:

Petition from citizens of Presidio county asking for the passage of an act to prevent the unlawful transfer of special funds commissioners' courts.

Read and referred to Committee on Finance.